BILL NO. G-72-06-23

GENERAL ORDINANCE NO. G-13-72

AN ORDINANCE repealing Chapter 19, Section 14.1 of the Municipal Code of the City of Fort Wayne and declaring public nuisances applicable to certain acts and places and prescribing penalties therefor and abatement thereof

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The following are hereby declared public nuisances:

Any place, room, restaurant, tavern, store, club, theater or other premises, indoor or outdoor, including, by way of illustration and not of limitation, any mobile home, any motor vehicle, any field, regardless of whether or not the primary purpose of such establishment authorized and or licensed by any federal, state or local authority, which

a) Is open to members of the public at large, regardless of whether admission is charged and regardless of whether admission is restricted to adults or to members of one sex or another;

b) Is open to members of one or more groups, incorporated or unincorporated;

and in which any of the following occurs,

c) Conduct which violates the statutes of the State of Indiana pertaining to the sale and consumption of alcoholic beverages;

d) Acts of prostitution;

e) Acts of bestiality;

f) Acts of sodomy;

g) Gambling;

h) The sale of and/or indulgence and drug misuse of drugs, narcotic drugs, dangerous drugs and harmful substances as those terms are defined in violation of the Indiana Drug Act and other statutes of the State of Indiana and amendments thereto;

SECTION 2. Anyone who owns, leases, manages and/or controls premises which are found to be a public nuisance under the provisions of Section 1 hereinabove shall be guilty of a misdemeanor and shall be subject to imprisonment for a term not to exceed six months, and to payment of a fine not to exceed $500.00 and to payment of costs. Anyone frequenting or patronizing such premises shall be guilty of a misdemeanor and shall be subject to imprisonment for a term not to exceed three months, to payment of a fine not to exceed $250.00 and to payment of costs.

SECTION 3. It shall constitute a public nuisance under the provisions of Section 1 and Section 2 hereinabove, and upon finding, judgment and conviction by a court of competent jurisdiction that there is a violation of any of the provisions of said Sections hereinabove, it shall be the duty of the police department or any member thereof, or any peace officer under direction and warrant from said court to cause such public nuisance to be abated and to assess the expense incident to such abatement either by causing them to be placed on a tax duplicate or by suit for foreclosure of a lien which is specifically given to the City of Fort Wayne by filing a notice thereof in the Office of the Recorder of Allen County, Indiana.

SECTION 5. If any section, clause, sentence, paragraph, part or provision of this Ordinance shall be held invalid by any court, it shall be conclusively presumed that this Ordinance would have been passed by the Common Council without such invalid section, clause, sentence, paragraph, part or provision.

SECTION 6. Chapter 19, Section 14.1 of the Municipal Code of the City of Fort Wayne, Indiana is hereby repealed.

SECTION 7. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

Samuel J. Talarico
Councilman

Read the first time in full and on motion by Talarico seconded by Burns and duly adopted, read the second time by title and referred to the Committee on Public Relations (and to the City ~~Plan Commission for recommendation~~) (and Public Hearing to be ~~held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on~~ the _____ day of _____ 19___, at _____ o'clock P.~~M.~~, E.S.T.

Date: 6-27-72 Charles W. Westerman
CITY CLERK

Read the third time in full and on motion by Talarico seconded by Hinga and duly adopted, placed on its passage. Passed (~~Failed~~) by the following vote:

	AYES 9	NAYS 0	ABSTAINED	ABSENT	to-wit:
Burns	✓				
Hinga	✓				
Kraus	✓				
Nuckols	✓				
Moses	✓				
Schmidt, D.	✓				
Schmidt, V.	✓				
Stier	✓				
Talarico	✓				

Date July 25, 1972 Charles W. Westerman
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, ~~Failed as~~ (~~Zoning Map~~) (General) (Annexation) (Special) (Appropriation) Ordinance ~~(Resolution)~~ No. G-13-72 on the 25th day of July, 1972.

ATTEST: (SEAL)
Charles W. Westerman — John Nuckols
CITY CLERK — PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of July, 1972, at the hour of 1:30 o'clock P M., E.S.T.

Charles W. Westerman
CITY CLERK

Approved and signed by me this 26th day of July, 1972 at the hour of 1:45 o'clock P. m., E.S.T.

Ivan A. Peterson Jr.
MAYOR

Bill No. G-72-06-23

REPORT OF THE COMMITTEE ON PUBLIC RELATIONS

We, your Committee on Public Relations to whom was referred an Ordinance repealing Chapter 19, Section 14.1 of the Municipal Code of the City of Fort Wayne and declaring public nuisances applicable to certain acts and places. and prescribing penalties therefor and abatement thereof

have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance Do PASS.

Samuel J. Talarico, Chairman — Samuel J. Talarico

Winfield C. Moses, Jr. Vice-Chairman — W. C. Moses, Jr.

James S. Stier — James Stier

Eugene Kraus, Jr. — Eugene Kraus Jr.

Vivian G. Schmidt — Vivian G. Schmidt

Bill No. G-72-06-23

REPORT OF THE COMMITTEE ON PUBLIC RELATIONS

We, your Committee on Public Relations to whom was referred an Ordinance repealing chapter 19, Section 14.1 of the Municipal Code of the City of Fort Wayne and declaring public nuisances applicable to certain acts and places and prescribing penalties therefor and abatement thereof

have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance _____ PASS.

Donald J. Schmidt — D J Schmidt

William T. Hinga — William T Hinga

Paul "Mike" Burns — Paul M Burns

John Nuckols

CORRECTION: The Proceedings of the Common Council in Regular Session TUESDAY, JULY 25, 1972, PAGE 1441

BILL NO. G-72-06-23

GENERAL ORDINANCE NO. G-13-72

AN ORDINANCE repealing Chapter 19, Section 14.1 of the Municipal Code of the City of Fort Wayne and declaring public nuisances applicable to certain acts and places and prescribing penalties therefor and abatement thereof.

This is in reference to a paragraph that a deletion has been made only in the printing of the Journal of Proceedings. Please correct and insert in your Journal the following paragraph to be corrected and to read as follows:

SECTION 2. Anyone who owns, leases, manages and/or controls premises which are found to be a public nuisance under the provisions of Section 1 hereinabove shall be guilty of a misdemeanor and shall be subject to imprisonment for a term not to exceed six months, and to payment of a fine not to exceed $500.00 and to payment of costs. Anyone frequenting or patronizing such premises shall be guilty of a misdemeanor and shall be subject to imprisonment for a term not to exceed three months, to payment of a fine not to exceed $250.00 and to payment of costs.

Charles W. Westerman
City Clerk

Date 5/20/76

To: Natka

Subject: Ordinance No. G-13-72.

The attached is a copy of an appeal recently entered. This ruling holds that G-13-72 is invalid and unconstitutional. Please make a notation on this Ordinance and attach this copy to it.

If you have any questions, call me.

Connie
Law Dept.

FORM 11-100

Date August 10, 19 72

Title CLERK

Notice is hereby given that on the 25th day of July, 1972, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following G-13-72 General Ordinance, to-wit:

BILL NO. G-72-06-23

GENERAL ORDINANCE NO. G-13-72.

AN ORDINANCE repealing Chapter, 19, Section 14.1 of the Municipal Code of the City of Fort Wayne and declaring public nuisances applicable to certain acts and places and prescribing penalties therefor and abatement thereof

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The following are hereby declared public nuisances:

Any place, room, restaurant, tavern, store, club, theater or other premises, indoor or outdoor, including, by way of illustration and not of limitation, any mobile home, any motor vehicle, any field, regardless of whether or not the primary purpose of such establishment authorized and or licensed by any federal, state or local authority, which:

a) Is open to members of the public at large, regardless of whether admission is charged and regardless of whether admission is restricted to adults or to members of one sex or another;

b) Is open to members of one or more groups, incorporated or unincorporated, and in which any of the following occurs.

c) Conduct which violates the statutes of the State of Indiana pertaining to the sale and consumption of alcoholic beverages;

d) Acts of prostitution;

e) Acts of bestiality;

f) Acts of sodomy;

g) Gambling;

h) The sale of and/or indulgence and drug misuse of drugs, narcotic drugs, dangerous drugs and harmful substances as those terms are defined in violation of the Indiana Drug Act and other statutes of the State of Indiana and amendments thereto;

SECTION 2. Anyone who owns, leases, manages and-or controls premises which are found to be a public nuisance under the provisions of Section 1 hereinabove shall be guilty of a misdemeanor and shall be subject to imprisonment for a term not to exceed six months, and to payment of a fine not to exceed $500.00 and to payment of costs. Anyone frequenting or patronizing such premises shall be guilty of a misdemeanor and shall be subject to immisonment for a term not to exceed three months, to payment of a fine not to exceed $250.00 and to payment of costs.

SECTION 3. It shall constitute a public nuisance under the provisions of Section 1 and Section 2 hereinabove, and upon finding, judgment and conviction by a court of competent jurisdiction that there is a violation of any of the provisions of said Sections hereinabove, it shall by the duty of the police department or any member thereof, or any peace officer under direction and warrant from said court to cause such public nuisance to be abated and to assess the expense incident to such abatement either by causing them to be placed on a tax duplicate or by suit for foreclosure of a lien which is specifically given to the City of Fort Wayne by filing a notice thereof in the Office of the Recorder of Allen County, Indiana.

SECTION 5. If any section, sloupe, sentence, paragraph, part or provision of this Ordinance shall be held invalid by any court, it shall be conclusively presumed that this Ordinance would have been passed by the Common Council without such invalid section, clause, sentence, paragraph, part or provision.

SECTION 6. Chapter 19, Section 14.1 of the Municipal Code of the City of Fort Wayne, Indiana is hereby repealed.

SECTION 7. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

Samuel J. Talarico
Councilman

Read the third time in full and on motion by Talarico seconded by Hinga and duly adopted, placed on its passage. PASSED by the following vote:

Ayes: Nine.
Burns, Hinga, Kraus, Nuckols, Moses, D. Schmidt, V. Schmidt, Stier, Talarico
Nays: None
Date: July 25, 1972

Charles W. Westerman City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-13-72 on the 25th day of July, 1972.

ATTEST: (SEAL)
Charles W. Westerman, City Clerk
John Nuckols, Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of July, 1972, at the hour of 1:38 o'clock P.M., E.S.T.

Charles W. Westermno, City Clerk

Approved and signed by the 26th day of July, 1972, at the hour of 1:45 o'clock P.M., E.S.T.

Ivan A. Lebamoff, Mayor

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, do hereby certify that the above and foregoing is a full, true and complete copy of General Ordinance No. G-13-72 passed by the Common Council on the 25th day of July, 1972, and that said Ordinance was duly signed and approved by the Mayor on the 26th day of July, 1972 and now remains on file and on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 26th day of July, 1972.

Charles W. Westerman, City Clerk

7-29—8-5.

PUBLISHER'S AFFIDAVIT

State of Indiana } ss:
ALLEN County }

Personally appeared before me, a notary public in and for said county and state, the undersigned ARVILLA DEWALD who, being duly sworn, says that she is CLERK of the JOURNAL-GAZETTE a DAILY newspaper of general circulation printed and published in the English language in the city (town) of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 times, the dates of publication being as follows:

July 29, 1972
August 5, 1972

Arvilla DeWald

Subscribed and sworn to before me this 10th day of August 19 72

Stapleton
Notary Public

My commission expires March 2, 1974

Form Prescribed by State Board of Accounts

General Form No. 99 P (Rev. 1967)

Common Council-City of Ft.Wayne
(Governmental Unit)

To JOURNAL-GAZETTE Dr.

Allen County, Ind.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) — numher of equivalent lines		
Head	numher of lines	-
Body	number of lines	139
Tail	numher of lines	1
	Total number of lines in notice	140

COMPUTION OF CHARGES

140 lines, columns wide equals equivalent lines at 28.8¢ cents per line	$ 40.32
Additional charge for notices containing rule or tabular work (50 per cent of above amount)	
Charge for extra proofs of publication (50 cents for each proof in excess of two)	
TOTAL AMOUNT OF CLAIM	$ 40.32

DATA FOR COMPUTING COST

Width of single column 11 ems — Size of type 5½ point

Numher of insertions 2 — Size of quad upon which type is cast 5½

Pursuant to the provision and penalties of Ch. 89, Acts 1967,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has heen paid.

Orvilla DeWald

Date August 10, 19 72

Title CLERK

Notice is hereby given that on the 25th day of July, 1972, the Common Council of the City of Fort Wayne, Indiana, passed and adopted by the Common Council of the City of Fort Wayne, Indiana, General Ordinance No. G-13-72 on the 25th day of July, 1972.

ATTEST:
(SEAL)
Charles W. Westerman, City Clerk
John Nuckols, Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of July, 1972, at the hour of 1:30 o'clock P.M., E.S.T.

Charles W. Westerman, City Clerk

Approved and signed by the 26th day of July, 1972, at the hour of 1:45 o'clock P.M., E.S.T.

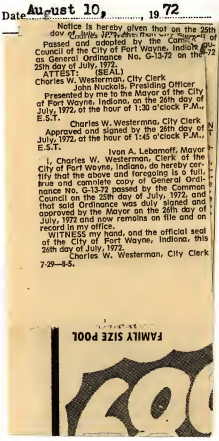
Ivon A. Lebamoff, Mayor

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, do hereby certify that the above and foregoing is a full, true and complete copy of General Ordinance No. G-13-72 passed by the Common Council on the 25th day of July, 1972, and that said Ordinance was duly signed and approved by the Mayor on the 26th day of July, 1972 and now remains on file and on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 26th day of July, 1972.

Charles W. Westerman, City Clerk

7-29—8-5.



PUBLISHER'S AFFIDAVIT

State of Indiana } ss:
ALLEN County }

Personally appeared before me, a notary public in and for said county and state, the undersigned ARVILLA DEWALD who, being duly sworn, says that she is CLERK of the JOURNAL-GAZETTE a DAILY newspaper of general circulation printed and published in the English language in the city ~~town~~ of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time, the dates of publication being as follows:

July 29, 1972
August 5, 1972

Orvilla DeWald

Subscribed and sworn to before me this 10th day of August 19 72

Notary Public

My commission expires March 8, 1974

credits, and that no part of the same has been paid.

A. M. Hostman

Date August 10, 19 72

Title Clerk

Notice is hereby given that on the 25th day of July, 1972, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following G-13-72 General Ordinance, to-wit:

BILL NO. G-72-06-23

GENERAL ORDINANCE NO. G-13-72.

AN ORDINANCE repealing Chapter, 19, Section 14.1 of the Municipal Code of the City of Fort Wayne and declaring public nuisances applicable to certain acts and places and prescribing penalties therefor and abatement thereof

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The following are hereby declared public nuisances:

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a) Is open to members of the public at large, regardless of whether admission is charged and regardless of whether admission is restricted to adults or to members of one sex or another;

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and in which any of the following occurs.

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d) Acts of prostitution;

e) Acts of bestiality;

f) Acts of sodomy;

g) Gambling;

h) The sale of and/or indulgence and drug misuse of drugs, narcotic drugs, dangerous drugs and harmful substances as those terms are defined in violation of the Indiana Drug Act and other statutes of the State of Indiana and amendments thereto;

SECTION 2. Anyone who owns, leases, manages and-or controls premises which are found to be a public nuisance under the provisions of Section 1 hereinabove shall be guilty of a misdemeanor and shall be subject to imprisonment for a term not to exceed six months, and to payment of a fine not to exceed $500.00 and to payment of costs. Anyone frequenting or patronizing such premises shall be guilty of a misdemeanor and shall be subject to imprisonment for a term not to exceed three months, to payment of a fine not to exceed $250.00 and to payment of costs.

SECTION 3. It shall constitute a public nuisance under the provisions of Section 1 and Section 2 hereinabove, and upon finding, judgment and conviction by a court of competent jurisdiction that there is a violation of any of the provisions of said Sections hereinabove, it shall by the duty of the police department or any member thereof, or any peace officer under direction and warrant from said court to cause such public nuisance to be abated and to assess the expense incident to such abatement either by causing them to be placed on a tax duplicate or by suit for foreclosure of a lien which is specifically given to the City of Fort Wayne by filing a notice thereof in the Office of the Recorder of Allen County, Indiana.

SECTION 5. If any section, clause, sentence, paragraph, part or provision of thist Ordinance shall be held invalid by any court, it shall be conclusively presumed that this Ordinance would have been passed by the Common Council without such invalid section, clause, sentence, paragraph, part or provision.

SECTION 6. Chapter 19, Section 14.1 of the Municipal Code of the City of Fort Wayne, Indiana is hereby repealed.

SECTION 7. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

Samuel J. Talarico
Councilman

Read the third time in full and on motion by Talarico seconded by Hinga and duly adopted, placed on its passage. PASSED by the following vote:

Ayes Nine.
Burns, Hinga, Kraus, Nuckols, Moses, O. Schmidt, V. Schmidt, Stier, Talarico
Nays None
Date: July 25, 1972

Charles W. Westerman City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-13-72 on the 25th day of July, 1972.

ATTEST: (SEAL)
Charles W. Westerman, City Clerk
John Nuckols, Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of July, 1972, at the hour of 1:30 o'clock P.M., E.S.T.

Charles W. Westermna, City Clerk

Approved and signed by the 26th day of July, 1972, at the hour of 1:45 o'clock P.M., E.S.T.

Ivan A. Lebamoff, Mayor

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, do hereby certify that the above and foregoing is a full, true and complete copy of General Ordinance No. G-13-72 passed by the Common Council on the 25th day of July, 1972, and that said Ordinance was duly signed and approved by the Mayor on the 26th day of July, 1972 and now remains on file and on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 26th day of July, 1972.

Charles W. Westerman, City Clerk

7-29—8-5.

PUBLISHER'S AFFIDAVIT

State of Indiana
ALLEN County } ss:

Personally appeared before me, a notary public in and for said county and state, the undersigned A. M. Hostman who, being duly sworn, says that She is Clerk of the NEWS-SENTINEL a DAILY newspaper of general circulation printed and published in the English language in the city ~~town~~ of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 times, the dates of publication being as follows:

July 29, 1972

August 5, 1972

A. M. Hostman

Subscribed and sworn to before me this 10th day of August 19 72

[illegible] Stapleton
Notary Public

My commission expires March 8, 1974

Form Prescribed by State Board of Accounts

General Form No. 99 P (Rev 1967)

Common Council-City of Ft. Wayne
(Governmental Unit)

To NEWS-SENTINEL Dr.

Allen County, Ind.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display	Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) — number of equivalent lines	
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Tail	number of lines	1
	Total number of lines in notice	140

COMPUTION OF CHARGES

140 lines, columns wide equals equivalent lines at 288¢ cents per line	$40.32
Additional charge for notices containing rule or tabular work (50 per cent of above amount)	
Charge for extra proofs of publication (50 cents for each proof in excess of two)	
TOTAL AMOUNT OF CLAIM	$40.32

DATA FOR COMPUTING COST

Width of single column 11 ems

Size of type 5½ point

Number of insertions 2

Size of quad upon which type is cast 5½

Pursuant to the provision and penalties of Ch. 89, Acts 1967,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

A. M. Hostman

Date August 10, 19 72

Title Clerk

No. one
Date: July 25, 1972
Charles W. Westerman City Clerk
Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as General Ordinance No. G-13-72 on the 25th day of July, 1972.
ATTEST: (SEAL)
Charles W. Westerman, City Clerk
John Nuckols, Presiding Officer
Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of July, 1972, at the hour of 1:30 o'clock P.M., E.S.T.
Charles W. Westermna, City Clerk
Approved and signed by the 26th day of July, 1972, at the hour at 1:45 o'clock P.M., E.S.T.
Ivan A. Lebamoff, Mayor
I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, do hereby certify that the above and foregoing is a full, true and complete copy of General Ordinance No. G-13-72 passed by the Common Council on the 25th day of July, 1972, and that said Ordinance was duly signed and approved by the Mayor on the 26th day of July, 1972 and now remains on file and on record in my office.
WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 26th day of July, 1972.
Charles W. Westerman, City Clerk
7-29—8-5.

PUBLISHER'S AFFIDAVIT

State of Indiana } ss:
ALLEN County }

Personally appeared before me, a notary public in and for said county and state, the undersigned A. M. Hostman who, being duly sworn, says that She is Clerk of the NEWS-SENTINEL

a DAILY newspaper of general circulation printed and published in the English language in the city (town) of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time s, the dates of publication being as follows:

July 29, 1972
August 5, 1972

A. M. Hostman

Subscribed and sworn to before me this 10th day of August 19 72

Notary Public

My commission expires March 6, 1974